

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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STEVEN RAMSEY

Plaintiff,

v.

JAY CASHMAN, INC.

Defendant.

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CIVIL ACTION

NO. 04-CV-10699(RCL)

PLAINTIFF'S MOTION IN *LIMINE* TO EXCLUDE EVIDENCE OF COLLATERAL  
SOURCE BENEFITS

Plaintiff, Steven Ramsey, by and through his undersigned counsel, hereby respectfully requests that this Honorable Court preclude all evidence of collateral source benefits at trial, and in support hereof avers the following:

1. On April 5, 2001, Plaintiff was injured in the course and scope of his employment for Defendant Jay Cashman, Inc. ("Cashman").
2. He brought suit against Cashman under the Jones Act, 46 USCS § 688, et. seq., and the general maritime law of the United States, claiming that Cashman (1) breached its duty to provide Mr. Ramsey with a safe place to work, and (2) failed to provide to him a vessel reasonably fit for its intended use.
3. Although he was injured in April, 2001, in approximately 2005 Plaintiff applied for and received Social Security benefits, in the approximate amount of \$1000.00 a month.
4. It is anticipated that Defendant Cashman will seek to introduce such collateral source information at trial to discredit and/or impeach the Plaintiff in an attempt to claim Mr. Ramsey is a

malingerer.

5. Evidence of malingering can come from witnesses, introduction of documents, or other less prejudicial material. It is anticipated that, in the case sub judice, Cashman will attempt to prove its claim of alleged malingering through the testimony of its expert physician as well as through the usage of surveillance videos.

6. Under these circumstances, to allow Cashman to introduce collateral source evidence would be unfairly prejudicial, and more prejudicial than probative, and therefore should be precluded at trial.

WHEREFORE, Plaintiff Steven Ramsey respectfully requests that this Honorable Court preclude all evidence of collateral source benefits at trial.

The Plaintiff,  
Steven Ramsey  
By His attorneys,

/s/ Samuel J. Rosenthal, Esq.  
/s/ Rudolph V. DeGeorge, II, Esq.  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on October 5, 2007.

/s/ Ronald M. Davids  
Ronald M. Davids